IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 22ND FEBRUARY 2007 / 3RD PHALGUNA 1928

Tr.P(Crl.).No. 9 of 2007()

AGAINST THE ORDER IN CRLP 50/2006. IN
CC.1014/2002 of J.M.F.C.,PALA

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PETITIONER: COMPLAINANT:

MALABAR CHIT FUNDS (PVT.)LTD.,
3RD FLOOR, JAYANTHI BUILDINGS, CALICUT,
REPRESENTED BY P. SATHER,
MANAGING DIRECTOR.

BY ADV. SRI.A.AHZAR

RESPONDENTS:

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1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. K.J. THOMAS, S/O.JOSEPH, AGED 39,
KALLADIKKAL HOUSE, CHAMATHACHAL P.O.,
PAYYAVOOR, KAKKATHODE, KANNUR DISTRICT.

R1 BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS TRANSFER PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 22.2.2007, ALONG WITH TPCR NO. 10 OF 2007 AND OTHER CONNECTED CASES THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Tr.P.(Cr.).Nos. 9, 10, 12, 13, 15, 16, 17,
19, 20, 21 & 22, 24 & 25 of 2007

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Dated this the 22nd day of February, 2007

O R D E R

These petitions are filed by common petitioner - Malabar Chit Funds (Pvt.) Ltd. - having its Head Office at Calicut for transfer of prosecutions initiated by the petitioner against various accused persons all under Section 138 of the N.I. Act and pending before the J.F.C.M. - I, Pala. The relevant details are given below:

Tr.P.(C)No.	C.C./S.T. No.	L.P. No.
9/2007	C.C. 1014/2002	50/2006
10/2007	C.C. 84/2003	194/2006
12/2007	C.C. 988/2002	45/06/06
13/2007	C.C. 87/2003	195/2006
15/2007	C.C. 126/2003	23/2006
16/2007	C.C. 390/2003	207/2006
17/2007	C.C. 978/2002	45/2005
19/2007	S.T. 308/2006	265/2006
20/2007	C.C. 975/2002	116/2006
21/2007	C.C. 132/2003	139/2006
22/2007	S.T. 1812/2004	232/2006
24/2007	S.T. 1609/2005	176/2006
25/2007	C.C. 849/2002	57/06/06

2. Cognizance has been taken by the learned J.F.C.M.-i, Pala. The accused have not entered appearance. The cases have hence been transferred to the list of long pending cases. The original number and the present number are all shown above.

3. The learned counsel for the petitioner submits that all the accused persons/respondents herein are persons having their place of residence and activity near the Court at Calicut. The cheques happened to be presented for collection through the Ramapuram branch of the petitioner and that is the reason why prosecutions were initiated before the J.F.C.M.-I, Pala. The Ramapuram branch has now been closed down and the petitioner wants the cases to be transferred to the Courts at Calicut, where the Head Office of the petitioner is situated. The learned counsel for the petitioner submits that the transfer of the cases will advance the interests of all concerned.

4. The respondents/accused have not been served. Their presence could not be secured before the J.F.C.M. -I, Pala and that is the reason why the cases have been transferred to the list of long pending cases. I am satisfied that it is not necessary to wait any longer for ensuring service on the respondents. I have gone through the complaints filed. All the complaints reveal that the accused persons are persons residing at or close

to Calicut. The learned counsel for the petitioner submits that the transfer will be for the advantage of both the petitioner/complainant and the respondents/accused as it will be easier for the accused also to appear before the Courts at Calicut. I accept the submission.

3. These transfer petitions are, in these circumstances, allowed. All the cases referred above are transferred from the file of the learned Judicial First Class Magistrate -I, Pala to the file of the learned Judicial First Class Magistrate -I, Calicut. The learned Judicial First Class Magistrate - I, Pala shall forthwith forward the records to the Judicial First Class Magistrate -I, Calicut. The complainant shall appear before the J.F.C.M. -I, Calicut on 26.3.2007. He shall take fresh steps for issue of process against all the accused persons before that court.

(R. BASANT)
Judge

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R. BASANT, J.

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Tr.P.(Cr.).Nos. 9, 10, 12, 13, 15, 16, 17,
19, 20, 21 & 22 of 2007

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Dated this the 23rd day of January, 2007

O R D E R

Issue notice to the second respondent by speed post ack. due. Put up after service is complete. Call on 19.2.2007.

(R. BASANT)
Judge

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